

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1973

NO. _____

RECEIVED

OCT 26 1978

OFFICE OF THE CLERK
SUPREME COURT, U.S.

HAJJI A.R. AHMAD, Appellant

78-5631

vs

MICHAEL RODAK, JR., Clerk U.S.S.C.T., Appellee

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
BY APPELLANT 29 .S.C.S. 1915(a); S CT Rule 53(1)

HAJJI A.R. AHMAD respectfully moves the Court for leave to proceed herein in forma pauperis, in accordance with the provisions of Title 28, United States Code, Section 1915, and Rule 53 of the Rules of this Court. The affidavit of the appellant HAJJI A.R. AHMAD in support of this motion is hereto attached.

Presented herewith is a Jurisdictional Statement presented for filing pursuant to S CT Rule 53 (2) of the applicant.

DATED OCTOBER 26, 1978

Respectfully submitted,

Hajji A.R. Ahmad

Hajji A.R. Ahmad
5538 W. Thompson St
Philadelphia, Pa. 19131

PROOF OF SERVICE

215-877-7452

HAJJI A.R. AHMAD, appellant, being first duly sworn deposes and says :

1. I have delivered by hand copy of this motion to the appellee at the office of the Clerk of The S CT One 1st St N.E. Washington, D.C. October 26, 1978 and to the U.S. Attorney for the District Of Columbia Rm 3136 C Fed Ct Hse Bldg 3rd & Constitution Aves, N.W. Washington, D.C.

Sworn and Subscribed :

NOTARY: *Oct 26 5, 1978*

Raymond B Fenerty

RAYMOND B. FENERTY

NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO
MY COMMISSION EXPIRES JUNE 14, 1980

Hajji A.R. Ahmad

HAJJI A.R. AHMAD
5538 W. Thompson St
Philadelphia, Penna 19131

215-877-7452

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1978

NO. _____

78-5631

HAJJI A.R. AHMAD, Appellant

vs

MICHAEL RODAK, JR, Appellee

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE
TO PROCEED IN FORMA PAUPERIS
28 U.S.C.S. 1915(a); S CT Rule 53(1)

State of Pennsylvania
County of Philadelphia

SS

HAJJI A.R. AHMAD, being duly sworn, on oath deposes and says:

1. He is the appellant in the above-entitled action and makes this affidavit in support of his motion for leave to proceed in forma pauperis herein.
2. Affiant is unable because of his poverty to pay fees and costs of this case or give security therefor.
3. This is an appeal from a final judgement/order of October 5, 1978 in which appellant was denied motion for reconsideration of an order of the District Court For The District Of Columbia denying a motion for an injunction to compel the defendant Michael Rodak, Jr Clerk of The Supreme Court Of The U.S. to perform a duty owed to the plaintiff who having complied fully with all of the applicable requirements of S CT Rule 53(1)&(2) is deprived of the benefits of the duty imposed upon the defendant under S CT Rule 53.3). The pliffs are citizens of Egypt and citizens of Pennsylvania who were forced to flee the Middle East in Nov 1956 as a result of the Zionist conspiracy to colonize Palestine and nited States participation therein and aid thereto being aid to an expedition against a people with whom the U.S. is at peace in violation of 13 .S.C.960, et al., statutes made pursuant to the authority of Article I, Sec 8, Clause 10, U.S. Constitution. This action is brought under 28 .S.C. 1350. This case raises substantial questions of constitutional law as more fully set forth in appellants' jurisdictional Statement filed herewith. Affiant believes that he is entitled to the redress sought in this Court.

Subscribed and sworn to before
me this 26th day of October, 1978.

NOTARY: *Raymond B. Fenerty*

RAYMOND B. FENERTY

NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO.
MY COMMISSION EXPIRES JUNE 14, 1980

Hajji A.R. Ahmad
Hajji A.R. Ahmad

5538 W. Thompson St
Phila., Pa., 19131
215-877-7452

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1978

NO. _____

78-5631

HAJJI A.R. AHMAD, Appellant

vs

MICHAEL RODAK, JR, Clerk U.S.
S. CT., appellee

JURISDICTIONAL STATEMENT

HAJJI A.R. AHMAD

Pro se

5538 W. Thompson St
Philadelphia, Penna 19131

215-877-7452

THE OPINIONS BELOW

October 5, 1978, the District Court filed an order denying plaintiffs motion for reconsideration of the order of the court of Aug 25, 1978 denying injunctive relief and dismissing the action. The order stated, "Upon consideration of plaintiff's motion for reconsideration of the court's sua sponte dismissal of this action, said motion dated Sept 1, 1978 but received in court on Sept 19, 1978, it is by the court this 5th day of Oct 1978, ORDERED that plaintiff's motion is hereby denied both on the merits and because it is out of time."

JURISDICTION

This statement is presented by the appellant in support of Jurisdiction by the Supreme Court of The United States on appeal and to show that substantial federal questions are presented. This appeal is taken pursuant to 28 U.S.C. 1252. The appellee is a federal officer of the United States. The appeal is also authorized by 28 U.S.C. 1254(1) which permits review by the Supreme Court of The United States before decision of cases on appeal where a question of such imperative public importance is presented as to justify deviation from normal processes of appellate procedure. This case was docketed with the Court of Appeals for the D.C. Circuit October 26, 1978. The order appealed from is a final order denying applicant's motion for reconsideration of the court's order of 8/25/78 which denied plaintiff's motion for an injunction to compel the defendant, Michael Rodak, Jr., Clerk of The U.S. Supreme Court, to place the case on the docket and file the documents submitted on two occasions for docketing by the plaintiff of July 8 and 21, 1978, and dismissing sua sponte the action. The Notice of Appeal from the Aug 25, 1978 Order was filed Sep 19, 1978 and the Notice of appeal from the order of the Court of 10/5/78 was filed Oct 26, 1978. The Notice was filed in The U.S. District Court for D.C.

Cases believed to sustain the jurisdiction of the court are:

UNITED STATES, Petitioner v The Steamer Three Friends, her engines, etc., Napoleon B. Broward and Montcalm Broward, claimants, decided March 1, 1897; 166 U.S. 1, 63, 66.

1 Moore's Federal Practice § 75; Alien jurisdiction.

Title 18 U.S.C. 960 is one statute involved in this question. It provides: "Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace shall be fined not more than \$3,000.00 or imprisoned not more than three years, or both."

Also, The Establishment Clause of the First Amendment which provides, Congress shall make no law respecting an establishment of religion or abridging the free exercise thereof.

The Due Process Clause of the Fifth Amendment, "nor shall property be taken (private) for public use with compensation and/or due process of law."

Questions Presented.

1. Aid to Israel from public and private sources violates Article I, Sec 8, clauses 1, 3, 8, 10 & 18 U.S. Constitution.
2. The plaintiffs are not responsible for the untimely filing of the Sept 1st motion and is entitled to the relief demanded in the motion.

Aug 22, 1978, the Appellant herein filed civil action 78-1584 in the District Court for the District of Columbia and brought the action on behalf of all parties seeking to have their appeal presented before the S. CT in the cases presented in the Jurisdictional Statement submitted for filing on July 8 & 21, 1978. The plaintiffs represented are citizens of Egypt and citizens of Pennsylvania who were forced to flee the middle East and enter the U.S. as refugees in Nov 1956. Plaintiffs cite the agreement entered into at Basle Switzerland 1897 by members of the Jewish Faith to infiltrate and colonize Palestine a Muslim state and or people with whom the U.S. is at peace. June 30, 1922 the U.S. Congress adopted a resolution to use the good offices of the U.S. to open the doors of Palestine to Jewish immigration and colonization. Plaintiffs bring this action under 28 U.S.C. 1350 for injuries sustained resulting from the violations of the law of nations. Plaintiffs allege that the acts of the defendant named herein was intended to and does in fact operate to provide aid to Israel at the expense of the plaintiffs in violation of Section 1350 and 18 U.S.C. 960, et al. The district Court abused its discretion by dismissing the case and denying plaintiffs application for injunctive relief.

Appended to this statement as one appendix is the copy of the Order of the Court of Aug 25 with the Memorandum Opinion and the Order of October 5, 1978. Also copy of the Notice of Appeal filed Sept 19, 1978 and copy of the Notice of Appeal filed October 26, 1978.

Conclusion

In consideration of the foregoing, Appellant submits that this appeal brings before the court substantial and important questions which require plenary consideration with briefs on the merits and oral argument for their resolution and that this court should expedite this case by advancing it on the calendar for noting probable jurisdiction.

Respectfully submitted

HAJJI A.R. AHMAD
Appellant, pro se

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 25 1978

HAJJI A.R. AHMAD

Plaintiff

v.

MICHAEL RODAK, JR.

Defendant

:

:

:

:

:

JAMES F. DAVEY, Clerk

Civil Action No. 78-1584

EXHIBIT N

MEMORANDUM OPINION

Plaintiff's "Affidavit in Support of Motion for Restraining Order Without Notice to Adverse Party" alleges that "[t]hese documents [jurisdictional statements and supporting documents] ... in form and content comply substantially with the Rules of the Supreme Court." Plaintiff's own allegations make it clear that he is not entitled to the principal relief sought, an order directing defendant to place plaintiff's appeal on the Supreme Court docket. Substantial compliance provides an insufficient basis for the Court to grant any of the requested relief. Accordingly, this case must be dismissed.

An appropriate order is entered herewith.

JUNE L. GREEN
U.S. District Judge

Dated: August 25, 1978

FILED

AUG 25 1978

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES F. DAVEY, Clerk

HAJJI A.R. AHMAD

Plaintiff

v.

MICHAEL RODAK, JR.

Defendant

:

:

:

:

:

Civil Action No. 78-1584

EXHIBIT O

ORDER

Upon consideration of plaintiff's request for money damages, injunctive and declaratory relief, affidavits and memorandum of law, and it appearing that plaintiff is not entitled to the relief requested, it is by the Court this 25th day of August 1978,

ORDERED, sua sponte, that this action be dismissed.

JUNE L. GREEN

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD :
Plaintiff :
v. : Civil Action No. 78-1584
MICHAEL RODAK, JR. :
Defendant :
OCT 5 1978

FILED

ORDER

JAMES F. DAVEY, Clerk

Upon consideration of plaintiff's motion for permission to file notices of appeal to the United States Supreme Court and to the United States Court of Appeals for the District of Columbia Circuit without payment of any filing fees, it is by the Court this 5th day of October 1978,

ORDERED that plaintiff's motion is hereby denied.

JUNE L. GREEN
U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD :
Plaintiff :
v. : Civil Action No. 78-1584
MICHAEL RODAK, JR. :
Defendant :
OCT 5 1978

EXHIBIT 2

FILED

ORDER

JAMES F. DAVEY, Clerk

Upon consideration of plaintiff's motion for reconsideration of the Court's sua sponte dismissal of this action, said motion dated September 1, 1978 but received in Court on September 19, 1978, it is by the Court this 5th day of October 1978,

ORDERED that plaintiff's motion is hereby denied both on the merits and because it is out of time.

JUNE L. GREEN
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
Oct. 26, 1978
(confirmed by
telephone)

HAJJI A.R. AHMAD,

CIVIL CLASS ACTION NO.

plaintiff

73-1534

vs

MICHAEL RODAK, JR., Clerk U.S.
S.Ct., defendant

PLFF'S NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES FROM THE FINAL ORDER OF THIS
COURT DENYING PLFFS MOTION FOR RECONSIDERATION
FILED OCTOBER 5, 1973

Notice is hereby given that HAJJI A.R. AHMAD, plaintiff, on his own behalf and on behalf of the class represented by him in this action, appeals to the Supreme Court Of The United States From the Order of this Court Filed October 5, 1978 which denied plff's motion to reconsider the Aug 25, 1973 order of this Court which denied plffs application for an injunction and dismissed the action.

This appeal is taken as a matter of right pursuant to Rules 3 & 4, F.R.A.P. and pursuant to 28 U.S.C.S. 1252 and 1291. Also pursuant to 28 U.S.C. 1254(1), which permits review of cases pending before judgement where it is shown that the case is of imperative public importance as to justify deviation from normal appellate processes and to require immediate settlement.

QUESTIONS PRESENTED BY THIS APPEAL ARE :

1. Plffs citizens of Egypt and citizens of the State Of Pennsylvania were forced to evacuate the middle east and Beirut Lebanon Nov 1956. Plffs allege that the conspiracy by Zionist to colonize Palestine since 1397 and U.S. participation in that conspiracy beginning with a resolution adopted June 30, 1922 to use the good offices of the United States to open the doors of Palestine to Jewish colonization and immigration. Various treaties have been recently enacted to promote this purpose. Plffs object to Muslim tax dollars being used for armament and support of Israel and maintain that this is recognition of an establishment of religion and violates the first Amendment of the U.S. Constitution in that it entangles the government in religion, supports one religion over another, forces Muslims to adopt recognition of Israel's right to Palestine under force of laws provided by and from within the United States contrary to Title 18 U.S.C. Sections 954, 955, 956, 957, 958, 959, 960 et al., the Neutrality Laws all in violation of Article I, Sec 3, Clause 1, 3, 8, 10 & 18, U.S. Constitution. This conspiracy results in Muslims being deprived of property, life, liberty, religious and political, civil rights without compensation and due process of law. The Fourteenth Amendment is violated in that this is state action which denies equal protection of the law to a class of citizens for domestic political considerations favoring the Jews and the Jewish economic and political power. Title 28 U.S.C. 1350 provides a cause of action for violations sustained from violations of the law of nations. The Plaintiffs are being denied due process and other fundamental constitutional rights such as access to the Supreme Court Of The United States. Plffs seek a declaratory judgement that such participation by the United States in the conspiracy to colonize Palestine is unconstitutional and that the acts complained of in this case are acts committed in furtherance of the Zionist conspiracy and entitles the plaintiffs to damages.

2. The District Court in its order of Oct 5th, 1973, denied plaintiffs motion for reconsideration both on the merits, and because the motion was untimely filed. Petitioner seeks a declaratory judgement that the plaintiff is not responsible for the untimely filing and is entitled to the relief demanded, on the basis of the record.

PROOF OF SERVICE

HAJJI A.R. AHMAD, plaintiff, being duly sworn according to law deposes and says:

1. I have personally caused to be delivered a copy of this notice to the defendant on Oct 26, 1978 at the Office of The Clerk, One 1st St N.E. Washington, D.C.

FILED Oct 26, 1973

Raymond B. Fenerty
NOTARY:

RAYMOND B. FENERTY
NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO.
MY C. OF LIC. EXPIRES JUNE 14, 1980

Hajji A. R. Ahmad
HAJJI A.R. AHMAD

5538 W. Thompson St

Philadelphia, Penna 19131

215-877-7452

supplemental brief

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

NO. 78-5631

RECEIVED

DEC 15 1978

OFFICE OF THE CLERK
SUPREME COURT, U.S.

HAJJI A.R. AHMAD,
Appellant,

VS

MICHAEL RODAK, JR., Clerk U.S. S. CT,
Appellee,

TO
~~MOTION FOR LEAVE TO SUPPLEMENT JURISDICTIONAL~~
~~STATEMENT AND SUPPLEMENT~~

Hajji A.R. Ahmad
5538 W. Thompson St
Philadelphia, Pa. 19131

TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES
OF THE SUPREME COURT OF THE UNITED STATES.

Appellant respectfully moves this Court for permission
to supplement his jurisdictional statement with facts and details
of a new case, *infra*, undecided when this appeal was docketed
on the 26th day of October, 1978.

DATED: December 14, 1978

Hajji A.R. Ahmad
5538 W. Thompson St
Philadelphia, Pa., 19131

TO: MICHAEL RODAK, JR., CLERK OF THE SUPREME COURT OF THE
UNITED STATES

On the 1st day of December, 1978, The United States
Court Of Appeals For The District Of Columbia Circuit, in the
matter of; HAJJI A.R. AHMAD, Petitioner, No. 78-8086, September
Term, 1978, Civil Action No. 78-1584, Before: McGowan and Robb,
Circuit Judges; an order which a copy of is attached hereto
located in the attached Jurisdictional Statement Supplement
Exhibit A, page 1, did file DENIED petitioner's motion for leave
to file a petition for writ of mandamus *in forma pauperis*,
without stating any grounds for said denial and none appear.

On December 15, 1978, the petitioner filed with said Court:

1. Notice Of Appeal To The Supreme Court Of The United States.
2. Petition For Rehearing Under Rule 40, of the Federal Rules
of Appellate Procedure with Affidavits and Exhibits A, B, C & D,
all of which are appended hereto as: "Jurisdictional Statement
Supplement Exhibits A, B, C & D. Each Exhibit, A, B, C & D, is numbered
with a circled handwritten number in the TOP RIGHT HAND CORNER
OF EACH PAGE, each Exhibit has a page 1, 2, etc., and may be cited
as Supplement Exhibit A, B or C as the case may be, page 2, etc.

The Order Of The Court Of Appeals (3rd Cir.) Dec. 1, 1978:

1. Supports the Jurisdiction of this Court. Section 1252, Title 28,
United States Code, provides in part; "A party who has received
notice of appeal under this section shall take any subsequent
appeal or cross appeal to the Supreme Court. All appeals or
cross appeals taken to other courts prior to such notice shall
be ~~not~~ treated as taken directly to the Supreme Court."

Section 1291, Title 28, United States Code provides, "The courts
of appeals shall have jurisdiction of appeals from all final
decisions on the district courts of the United States,
except where a direct review may be had in the Supreme Court."

2. Conflicts with the Order of The United States Court Of Appeals
For The Third Circuit, of June 16, 1978, which order granted the
appellant herein, leave to proceed in appeal *in forma pauperis*.
3. represents error in that it affirms the decision of the lower
court which failed to recognize the presence of the factors
necessary to warrant the requested writ. Those factors are set
forth in The Jurisdictional Statement Supplement Exhibit A, pages 23,
24, 25, 26, 27, 28, 29, 30, 31, 32.
4. Draws into question those Federal Statutes which are attached
with the FULL TEXT, which were presented to the Court in support of
applicant's request for a writ, said statutes are located in the
Jurisdictional Statement Supplement Exhibit C, pages 91, 92, 93, 94,
95, 96, 97, 98, 99, 100, 101, 102, 103, and/or the constitutionality of
the actions described on pages 104, 105, 106, 107, 108, 109, 110, 111,
112, 113, 114, 115, 116, 117, 118, 119, 120, and proof of the allegations
made above is beginning on page 121 to 152.

5. conflicts with and unconstitutionally differs with the United States Tax Court's treatment of the petitioner. On December 8, 1978, said Court, issued an Order And Order To Show Cause Under Rule 91(f) ,in the case of Orlando R. Allen vs Commissioner Of Internal Revenue, Docket No., 11352-77, a copy of said Order Attached and is located at Jurisdictional Statement Supplement Exhibit B (D) ,page 1.

6. leaves unprotected the petitioner's First Amendment Rights. Jurisdictional Statement Exhibits A & B, contain nearly thirty court orders issued between June 1975 and this date, 1978, all are blocked from the Supreme Court Of The United States.

The Petitioner believes that this Court should grant this request because:

1. a substantial federal question is presented herewith of great public importance, such as to require briefs on the merits and oral argument for its resolution.

2. S CT Rules provide at 16, paragraph 5. "Any party may file a supplemental brief at any time while a jurisdictional statement is pending calling attention to new cases or legislation or other intervening matter not available at the time of his last filing."

3. Petitioner believes that he is entitled to the relief requested the same as white person. The fact the Benders Federal Forms (Procedural) publishes form no 5049, indicates that such leave is regularly granted to others and petitioners respectfully demand like treatment as negros under Section 1981, Title 42, United States Code.

4. with the filing of the Petition For Rehearing under Rule 40, FRAP, Dec 15, 1978, the petitioner has exhausted all remedies and in fact has no adequate remedy at law and is entitled to judgement on the merits based on the facts and the law presented herewith.

5. both the Notice of Appeal to the Supreme Court Filed Dec 15, 1978, and the Petition For Rehearing under Rule 40, FRAP, and this request for leave to supplement while the jurisdictional statement are are timely filed.

6. the appellants associates and coreligionist are deprived of constitutional protection and will suffer from the impairment of their First Amendment Rights in being denied access to the Courts particularly the Supreme Court Of The United States and they have no other means of getting their petition to this Court except by their signature below.

THE FOREGOING STATEMENT IS TRUE.

Respectfully submitted,

*the estate of mohamad
ibn Ahmad R. Ahmad*

THE ESTATE OF MOHAMMAD ALI
IBN AHMAD (Deceased), Administrator,
Hajji A.R. Ahmad
5538 W. Thompson St.
Philadelphia, Pennsylvania 19131
215-877-7452

*the registered foreign agents
Hajji A.R. Ahmad*

THE REGISTERED FOREIGN AGENTS,
Trustee, Hajji A.R. Ahmad
5538 W. Thompson St
Phila., Pa 19131

lynn hope

LEADER LYNN HOPE & HIS
ORCHESTRA, 5538 W. Thompson St
Philadelphia, Pennsylvania 19131

Abdullah Y. Ali

ABDULLAH Y. ALI

Hakim Ali

HAKIM ALI

Izzett Davis

IZZETT DAVIS

Abdullah Ali (Orlando R. Allen)

ABDULLAH ALI (ORLANDO R. ALLEN)

Yusef Ali Ibn Ahmad

YUSEF ALI IBN AHMAD

Daoud Ibn Ahmad

DAOUD IBN AHMAD

AND NOW, COMES PLAINTIFF/APPELLANT,
HAJJI A.R. AHMAD, STILL SWORN SAYS:

1. The Address of each of the above is: 5538 W. Thompson St., Phila., Pa 19131; 215-877-7452.
2. I have written, legal authorization to attach each of the above signatures and to execute this affidavit.
3. Copies of said authorization is filed In The U.S. Dist Ct (EDPA), Oct 18, 1977, In Civil Action 77-327, Ahmad v Burke, et al.

SWORN & SUBSCRIBED BEFORE NOTARY:
December 14, 1978
Raymond B. Fenerty

RAYMOND B. FENERTY
NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO.
MY COMMISSION EXPIRES JUNE 14, 1980

the Capital Executive Syndicate

THE CAPITAL EXECUTIVE SYNDICATE,
Trustee, Hajji A.R. Ahmad
5538 W. Thompson St
Phila., Pa 19131
215-877-7452

the Hope Family

THE HOPE FAMILY, Trustee,
Hajji A.R. Ahmad
5538 W. Thompson St
Phila., Pa 19131

Rashid Omar Ibn Ali

RASHID OMAR IBN ALI
5538 W. Thompson St
Philadelphia, Penna 19131

Sheila M. Levy

SHEILA M. LEVY

Maria Johnson

MARIA JOHNSON

Cynthia Duncan

CYNTHIA DUNCAN

Fatimah Ahmad

FATIMAH AHMAD

Emma Jean Davis

EMMA JEAN DAVIS

Abdul Rahim Karim

ABDUL RAHIM KARIM

L. Mary Ann El-Hary

L. MARY ANN EL-HARY

Karima Ahmad

KARIMA AHMAD

Hajji A.R. Ahmad

HAJJI A.R. AHMAD
5538 W. Thompson St
Phila., Pa 19131
215-877-7452

RECEIVED

DEC 27 1978

OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 78-5631

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

v.

MICHAEL RODAK, JR., CLERK, SUPREME COURT
OF THE UNITED STATES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOTION TO DISMISS

WADE H. MCCREE, JR.
Solicitor General
Department of Justice
Washington, D.C. 20530

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

No. 78-5631

HAJJI A. R. AHMAD, APPELLANT

v.

MICHAEL RODAK, JR., CLERK, SUPREME COURT
OF THE UNITED STATES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MOTION TO DISMISS

1. Appellant has filed a series of actions against various governmental officials and private parties, alleging that the federal government has given financial and military aid to the State of Israel, in violation of the Establishment of Religion Clause of the First Amendment. In many of the actions, appellant has also alleged a wide-ranging conspiracy against Black Muslims.

After the dismissal of his most recent complaint by the United States District Court for the Eastern District of Pennsylvania, appellant sought review in this Court of all his unsuccessful litigation. He submitted a Jurisdictional Statement, along with numerous other papers, including a motion for leave to proceed in forma pauperis. On July 13, 1978, the Clerk of this Court declined to docket appellant's Jurisdictional Statement for failure to comply with this Court's Rules. Appellant's papers were returned to him, along with a copy of the Court's

rules.^{1/} Appellant resubmitted the materials with some alterations, but again the Clerk declined to docket the appeal because the papers still did not conform to the Rules.^{2/}

Appellant then filed a mandamus action in the United States District Court for the District of Columbia, demanding that the Clerk be compelled to docket his appeal. On August 25, 1978, the district court dismissed the action.^{3/} Appellant moved for reconsideration of the order of dismissal and also filed simultaneous notices of appeal to the court of appeals and to this Court.^{4/} On October 5, 1978, the district court denied appellant's motion for reconsideration and his motion to pursue his appeals in forma pauperis.^{5/}

2. The appeal in this case should be dismissed, because the district court's judgment is not directly appealable to this Court. Appellant bases jurisdiction on 28 U.S.C. 1252, but that provision applies only in cases in which a district court has held an Act of Congress to be unconstitutional.

Appellant's alternative claim that this case should be treated as a petition for certiorari before judgment in the court

^{1/} A copy of the Clerk's letter dated July 13, 1978, is attached as Appendix A.

^{2/} A copy of the Clerk's letter dated July 27, 1978, is attached as Appendix B.

^{3/} The district court's Memorandum Opinion and Order is attached as Appendix C.

^{4/} The notices of appeal were filed on October 5, 1978. The record was sent to the court of appeals on October 24, 1978, but the appeal has not been docketed because appellant has not paid that court's docketing fee.

^{5/} These orders are attached as Appendix D.

of appeals is similarly ill-founded. Petitioner has been denied permission to proceed in forma pauperis in that court, so the case is not now "in" the court of appeals.^{6/} Because 28 U.S.C. 1254(1) applies only to cases that are "in" the court of appeals, the Court cannot review this case under that provision. See United States v. Nixon, 418 U.S. 683, 690 (1974). To be sure, the Court has the power, under the common law writ of certiorari preserved by the All Writs Act, 28 U.S.C. 1651, to review the merits of a claim raised on appeal, even when the court of appeals has refused to permit the appeal to be prosecuted in forma pauperis. See House v. Mayo, 324 U.S. 42, 44-45 (1945). But the district court's order is correct and does not merit review by this Court.

The Rules of this Court specify that papers filed with the Court must "comply with the substance of this Court's rules," or else "the Clerk will refuse to receive" them. Sup. Ct. R. 53(5). Appellant's Jurisdictional Statement was properly rejected because it failed to satisfy the basic requirements of the rules governing the form and content of Jurisdictional Statements and typewritten papers. For example, appellant's jurisdictional statement did not conform to the minimum form requirements of Rule 47(1); it did not contain a concise statement of the grounds on which the jurisdiction of the Court is invoked, Sup. Ct. R. 15(1)(b); and it did not contain copies of all the judgments and opinions of the lower courts in each of the decisions sought to be appealed, Sup. Ct. R. 15(1)(h),(i).

^{6/} Appellant has filed a subsequent jurisdictional statement, No. 78-5631, challenging the denial of permission to proceed in forma pauperis.

It is therefore respectfully submitted that the appeal should be dismissed and, treating the papers as a petition for a writ of certiorari, the petition should be denied.

WADE H. MCCREE, JR.
Solicitor General

DECEMBER 1978

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

July 13, 1978

Mr. Hajji A. R. Ahmad
5538 W. Thompson St.
Philadelphia, PA 19131

Dear Mr. Ahmad:

The papers which you have submitted for filing are returned for their failure to comply to any extent with the Court's Rules of Procedure, a copy of which is enclosed.

Very truly yours,

MICHAEL RODAK, JR., Clerk

By

Greg Neuzil
Assistant

Enclosure

APPENDIX A

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

July 27, 1978

Mr. Hajji A.R. Ahmad
5538 W. Thompson Street
Philadelphia, PA 19131

Dear Mr. Ahmad:

I am returning numerous documents entitled, a joint appeal from five federal and state courts.

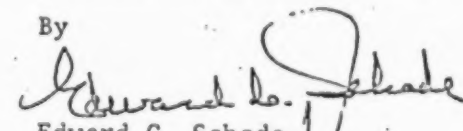
If it is your intention to proceed in forma pauperis, the motion to dispense with the requirements of Rule 39 are not necessary. The motion to expedite consideration cannot be entertained since the Court is in recess and will not resume until October.

Finally, the motion for appointment of counsel is improper since this Court does not appoint counsel to assist litigants in the preparation of petitions for writs of certiorari.

Very truly yours,

MICHAEL RODAK, JR., Clerk

By


Edward C. Schade
Assistant Clerk

1ef
Enc.

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A.R. AHMAD

Plaintiff

v.

Civil Action No. 78-1584

MICHAEL RODAK, JR.

Defendant

MEMORANDUM OPINION

Plaintiff's "Affidavit in Support of Motion for Restraining Order Without Notice to Adverse Party" alleges that "[t]hese documents [jurisdictional statements and supporting documents] ... in form and content comply substantially with the Rules of the Supreme Court." Plaintiff's own allegations make it clear that he is not entitled to the principal relief sought, an order directing defendant to place plaintiff's appeal on the Supreme Court docket. Substantial compliance provides an insufficient basis for the Court to grant any of the requested relief. Accordingly, this case must be dismissed.

An appropriate order is entered herewith.

JUNE L. GREEN
U.S. District Judge

Dated: August 25, 1978

APPENDIX C

6a

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A.R. AHMAD

Plaintiff

v.

Civil Action No. 78-1584

MICHAEL RODAK, JR.

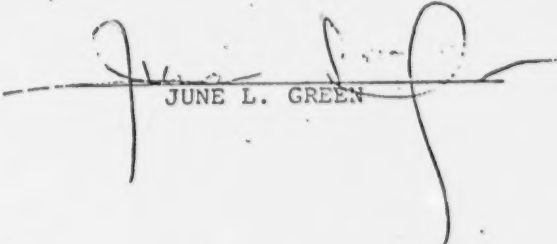
Defendant

ORDER

Upon consideration of plaintiff's request for money damages, injunctive and declaratory relief, affidavits and memorandum of law, and it appearing that plaintiff is not entitled to the relief requested, it is by the Court this 25th day of August 1978,

ORDERED, sua sponte, that this action be dismissed.

JUNE L. GREEN



7a

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD :

Plaintiff :

v. :

Civil Action No. 78-1584

MICHAEL RODAK, JR. :

Defendant :

FILED

1978

ORDER

KEY, Clerk

Upon consideration of plaintiff's motion for re-consideration of the Court's sua sponte dismissal of this action, said motion dated September 1, 1978 but received in Court on September 19, 1978, it is by the Court this 5th day of October 1978,

ORDERED that plaintiff's motion is hereby denied both on the merits and because it is out of time.

JUNE L. GREEN
U.S. District Judge

APPENDIX D

0a

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAJJI A. R. AHMAD :

Plaintiff :

v. :

Civil Action No. 78-1584

MICHAEL RODAK, JR. :

Defendant :

ORDER

Upon consideration of plaintiff's motion for permission to file notices of appeal to the United States Supreme Court and to the United States Court of Appeals for the District of Columbia Circuit without payment of any filing fees, it is by the Court this 5th day of October 1978,

ORDERED that plaintiff's motion is hereby denied.

JUNE L. GREEN
U.S. District Judge

HC 196 Jan 12 1979

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

vs.

MICHAEL RODAK, JR., CLERK
U.S. SUPREME COURT

NO. 78-5631

RECEIVED

JAN 5 1979

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL COPY

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Opposition to motion to dismiss

APPELLANT'S BRIEF UNDER S.C.T. RULE 16, PARAGRAPH 4, THEREOF
SUBMITTED IN OPPOSITION TO THE APPELLEE'S MOTION TO
DISMISS DUE NO LATER THAN DEC 21, 1978 & FILED DEC 26, 1978,
WITH MOTION TO STRIKE AND AFFIDAVIT

HAJJI A.R. AHMAD, APPELLANT
5538 W. Thompson St.
Phila., Penna 19131

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1978

HAJJI A.R. AHMAD, APPELLANT

NO. 78-5631

v

MICHAEL RODAK, JR., CLERK, U.S.S.C.T.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIEF IN OPPOSITION TO MOTION TO DISMISS
FILED BY THE APPELLEE

The Appellant Hajji A.R. Ahmad docketed this case on October 26, 1978, and served the Jurisdictional Statement upon the Solicitor General Nov. 1, 1978. S.C.T. Rule 16, paragraph 1.###, provides;

"Within thirty days after receipt of the jurisdictional statement, unless the time is enlarged by the court or a justice thereof, or by the clerk under the provisions of paragraph 5 of Rule 24, (paragraph ### 2, of Rule 34, in part, provides that: "Whenever any justice of this or the clerk is empowered by law or under any provision of these rules to extend the time within which a party may petition for a writ of certiorari or docket an appeal or file any brief or paper, an application seeking such extension must be presented to the clerk within the period sought to be extended".) the appellee may file a printed motion to dismiss, or motion to affirm. In cases where the United States or any agency, officer or employee thereof is the appellee, the appellee shall have an additional twenty days to file said motions." No request for an extension has been made by the appellee within the time permitted by S.C.T. Rules nor granted. The time in which such could be made expired December 21, 1978. The appellee's motion to dismiss was not filed until December 26, 1978. The appellee in his motion relies upon false statements to defraud the appellant of his right to review by this Court and defames the appellant in the process providing the appellant with a new cause of action. The appellant is a Muslim by religion and a member of the so called Negro race and as a negro relies upon Section 1981 of Title 42, U.S.C. which guarantees to him and his race the equal rights and privileges and benefits of laws and proceedings as are enjoyed by white persons, and urges this court to determine that the appellant is prejudiced in this action as no negroes are permitted to file documents which are clearly out of time and are not referred to as "white" the same as white people and the appellant demands that this court give that consideration in rendering its decision.

The Appellant further wishes that this Court give consideration to the fact that no aid has been provided to Negroes nor to Muslims like aid to establish a political entity such as Israel with tax dollars and the demand is made here by the appellant as a negro under Section 1981, 42 U.S.C. for equal treatment as has been and is accorded to persons of the Jewish faith ancestry and religion.

ARGUMENT: Zionism is a form of racism and subject to consideration on the basis of race and religion under Section 1981, Title 42, U.S.C.

See Jurisdictional Statement Supplement Exhibit U### C, page 147, UN Resolution equating Zionism with racism.

Respectfully submitted,

HAJJI A.R. AHMAD, 5538 W. Thompson St., Phila., Pa. 19131

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

v.

NO. 78-5631

MICHAEL RODAK, JR., CLERK, SUPREME COURT
OF THE UNITED STATES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPELLANT'S MOTION FILED WITH BRIEF IN
OPPOSITION TO THE APPELLEE'S MOTION TO DISMISS
FILED HEREIN ON/OR ABOUT DEC 26, 1978,
S.C.T. Rules 16, paragraph 4 On the Grounds
Provided By S.C.T. Rule 16, paragraph 1.(a)

HAJJI A.R. AHMAD, pro se
5538 W. Thompson St.

Philadelphia, Penna., 19131

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1978

HAJJI A.R. AHMAD, APPELLANT

NO. 78-5631

v.

MICHAEL RODAK, JR., CLERK, U.S.S.C.T.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APPELLANT'S MOTION FOR AN ORDER
SUPREME COURT RULE 35

1. The appellant HAJJI A.R. AHMAD, pro se, submits this motion pursuant to S CT Rule 35, and hereby moves this Honorable Court for an ORDER:

(A) STRIKING the Motion To Dismiss filed on behalf of the appellee on December 26, 1978, on the grounds that this Court lacks jurisdiction over the subject matter of said motion because of the fact that the time within which such a motion to dismiss could be filed under the authority of S CT Rule 16, expired 50 days from October 26, 1978, the date on which the appeal was docketed and/or 50 days from November 1, 1978, the date of service of the Jurisdictional Statement upon the Solicitor General and because in said Motion the Appellee in paragraph 1 thereof states that, "In many actions (of the), appellant has alleged a wide-ranging conspiracy against(sic) Black (sic) Muslims", and said statement being false and maliciously made, falls in the category of speech and actions outside of the scope of First Amendment protection and is prejudicial, to the appellant and injurious to the appellant in the enjoyment of First Amendment Rights including the protection afforded by the United States Constitution against acts and utterances which may be correctly characterized as "FIGHTING WORDS" and words and acts which defame negroes as a class and negroes of the Islamic religious persuasion and Muslims of all races. See the cases of:

Beauharnais v. Illinois, 343 U.S. 250 (1952); Chaplinsky v. New Hampshire, 315 U.S. 568, 571 (1942); Near v. Minnesota ex rel. Olson, 283 U.S. 697, 707-708 (1931).

(B) which declares aid to Israel from public and/or private sources either is authorized by the United States Constitution and is not in violation thereof, or is not authorized by the United States Constitution and is violative thereof. The appellant further requests that this Court make the determinations requested herein prior to any considerations such as jurisdiction and if this Court finds that aid to Israel is unconstitutional then determine the rights of the appellant to damages and the question of liability, all on the basis of the documents on file in this Court and the record. The grounds for this request are set forth in a motion filed this same date in the United States Court Of Appeals For The District Of Columbia, No. 78-8086, D.C. Civil No. 78-1584, Ahmad v. Rodak, a copy of that motion is attached hereto as Exhibit A.

AN AFFIDAVIT IS ATTACHED IN SUPPORT OF THIS APPLICATION.

DATED JANUARY 4, 1979

Hajji A.R. Ahmad
HAJJI A.R. AHMAD, pro se
5538 W. Thompson St.
Philadelphia, Penna., 19131

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 78-8086

September Term, 1978

HAJJI A.R. AHMAD

Petitioner

D.C. Civil Action 78-1584

Before: McGowan and Robb, Circuit Judges

FILED
January 4, 1979

APPELLANT'S MOTION UNDER RULE 2 OF THE FEDERAL RULES OF APPELLATE PROCEDURE REQUESTING THIS COURT TO SUSPEND THE REQUIREMENT OF RULE 12 UNTIL AFTER THIS COURT HAS DETERMINED THAT AID TO ISRAEL FROM PUBLIC AND PRIVATE SOURCES IS EITHER CONSTITUTIONAL OR UNCONSTITUTIONAL AND THAT THE APPELLANT IS ENTITLED TO AN AWARD IN DAMAGES FOR INJURIES SUFFERED BY HIM IN THE ENJOYMENT OF HIS CONSTITUTIONAL RIGHTS RESULTING FROM SUCH AID BASED ON THE PAPERS, PLEADINGS AND INFORMATION CONTAINED IN THE FILES IN THIS CASE

EXHIBIT
A

TO THE HONORABLE JUSTICES OF THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT: McGOWAN & ROBB

THE APPELLANT HAJJI A.R. AHMAD, respectfully moves this Honorable Court for an order granting the following relief:

1. Prior to any considerations as to jurisdiction, standing or question as to allow or not allow this case to be docketed for cause shown after the time for docketing has passed, make a determination that aid to Israel from public and private sources is either authorized by and not prohibited by The United States Constitution or not, and that the appellant is either entitled to an award in damages from the United States treasury as a result of the injuries allegedly threatening to and sustained by the appellant and others similarly situated by the past, present and future aid so provided to Israel beginning with the Resolution adopted by the United States Congress on June 30, 1922 and in furtherance of the unlawful agreement entered into by two or more persons of the Jewish faith religion and ancestry at Basle, Switzerland, 1897, whose object of confiscating lands and territories the property of citizens of Egypt, Palestine and elsewhere without compensation and without due process of law is proscribed by Article I, Section 8, clause 10, United States Constitution and Sections 956, 960, et al., Title 18, United States Code, and such object carried out through means proscribed by Article I, Section 8, clauses 1, 3 & 18, and the Establishment of Religion Clause of the First Amendment United States Constitution, and if such aid is determined unconstitutional issue an order:

(A) prohibiting the providing of aid and assistance of any sort to The So-Called State Of Israel, including economic, military and political assistance by officials of the United States Government and from/by private persons.

(B) declaring that the appellant is entitled to an award in damages for damages sustained by him and the class which he represents, said class to include members of the negro race similarly situated and members of the Muslim religion who have been humiliated and disgraced and held up to ridicule and scorn by the public because of the Zionist Conspiracy and United States participation and support of the Zionist objectives and the millions of such persons who have been forced to evacuate the Middle East and/or any parts thereof and those who have never been permitted to return to their homes and enjoy their property and the free exercise of the religion of Islam which enjoyment includes political, property and civil and human rights.

(C) permitting the appellant Hajji A.R. Ahmad, leave to docket this appeal after the time for docketing has expired for cause stated in the grounds for making this request pursuant to the provisions of Rule 12(a), FRAP.

THE GROUNDS UPON WHICH THIS APPLICATION IS BASED ARE:

1. The appellant has been and continues to be deprived of the enjoyment of his constitutional rights as a result of the Zionist conspiracy and the overt acts committed in furtherance of said conspiracy and described in the papers, pleadings and record in this case and will

continue to suffer harm in the enjoyment of his First Amendment rights unless the relief requested is granted.

2. No harm will occur to any persons interested in this case by granting the relief requested, herein.

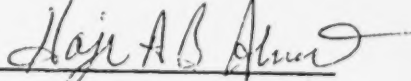
3. The public interest will best be served by the granting of said relief including those who pay taxes to the United States Government and are entitled to a determination and resolution of the question of the constitutionality of the use of public funds in support of Zionism especially in these times of high inflation, high inflation, huge deficits in the budget, bankrupt cities such as Cleveland and New York, increasing oil prices which increase is fueled by United States Support of Jewish Israeli Hegemony in the Middle East which triggered the oil embargo of record and the adoption of the policy of using oil as a weapon in defense of the sovereignty of the countries of Saudi Arabia, Egypt, Syria, Lebanon, Jordan, Palestine.

4. This court has an obligation under Article III, Section 2, of the Constitution of the United States to make the requested determination of said controversy which arises as it does under the Constitution.

5. This question has never been passed upon by any court in the United States.

An Affidavit is submitted herewith.

DATED JANUARY 4, 1979


HAJJI A.R. AHMAD, pro se
5538 W. Thompson St.
Philadelphia, Penna., 19131
215-877-7452

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 78-8086

SEPTEMBER TERM, 1978

HAJJI A.R. AHMAD, Petitioner

D.C. Civil Action No.
78-1584

Before: McGowan and Robb, Circuit Judges

AFFIDAVIT OF THE PETITIONER HAJJI A.R. AHMAD
IN SUPPORT OF THE ATTACHED MOTION AND CERTIFYING
PROOF OF SERVICE

HAJJI A.R. AHMAD, being duly sworn according to law depose and says:

1. I am the plaintiff/appellant in the above entitled case and make this statement in support of the motion filed herewith.
2. I am familiar with the facts, allegations, conclusions and information contained in the papers, pleadings and documents filed in this matter as I have suffered the injuries complained of resulting from the actions described in all such documents and not only have I read them many times but have prepared and filed them all myself and I state that all such facts, allegations and information are true of my personal knowledge except those submitted upon information and belief and those I believe to be true, and that I believe that I am entitled to the relief requested in this motion on the grounds stated.
3. Attached hereto as Exhibit A is copy of a letter from this Court Dated December 28, 1978, in which it is required that I submit the \$50.00 docketing fee with a motion for leave to docket appeal time having expired, within 15 days from the date of said order.
4. I cannot afford to pay the requested \$50.00 because of my poverty which resulted from being forced to leave the United States in Oct, 1955 and migrate to Egypt because of racial and religious discrimination and being forced to flee the Middle East and return to the United States in Nov 1956 as a refugee similar to the fate of millions of other persons of nonwhite races and nonJews, and have been further victimized, ostracised and discriminated against as complained of on record, which has resulted in my not being able to pay the required docketing fee and have submitted application for leave to proceed on appeal in forma pauperis and denied such leave by this court's order of Dec 1, 1978, however, I have borrowed the \$50.00 from a friend which is being submitted with this application under protest said requirement being an unconstitutional burden upon me in the enjoyment of First Amendment rights, due process under the Fifth and Fourteenth Amendments and the Equal protection clause of the latter. This money and motion are submitted within therequired 15 days and I submit that acceptance

of this \$50.00 is an agreement whereby I will pay to docket this case upon the consideration that this court will decide the question put to it with this application, and failure on your part to decide this issue will denote the taking of property without compensation and/or due process of law, and should this court refuse to decide this issue as requested will deny to me equal protection of the law, and if the fee is accepted and the relief requested in this application is denied, meaning the issue is not decided by this court, this will be deemed by me as accepting money under fraudulent pretenses, breach of agreement, breach of agreement, breach of Duty, breach of privilege and breach of trust, as described in Black's Law Dictionary.

5. I do not believe that any further brief is necessary before the deciding of this issue and will rely upon the record.

6. I have served copy of this motion upon the appellee by first class mail this 4th day of December, 1979, addressed in care of;

SOLICITOR GENERAL

U.S. Department of Justice
Washington, D.C. 20530,

and to EARL J. SILBERT
U.S. Attorney, RM 3136-C Federal Court Hse
3rd & Constitution Aves.
Washington, D.C. 20001

The above is true.

BW#

SWORN & SUBSCRIBED BEFORE NOTARY:

H. January 1979
Raymond B. Fenerty

RAYMOND B. FENERTY

NOTARY PUBLIC, PHILADELPHIA, PHILADELPHIA CO.
MY COMMISSION EXPIRES JUNE 12, 1980

Hajji A.R. Ahmad

HAJJI A.R. AHMAD, pro se

5538 W. Thompson St.
Philadelphia, Pa., 19131

215-877-7452